



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/20/0629**

**Re: Property at 67 Kelvin Street, Grangemouth, Falkirk, FK3 8EX (“the Property”)**

**Parties:**

**Mr Daniel Tran of 23 Redding Road, Brightons, Falkirk, FK2 0AA (“the Applicant”) per his representative, Mrs Kar Len Tran of the same address (“the Applicant’s Representative”)**

**Miss Sharlene McCabe and Mr Colin Kane, formerly residing at the Property and now ADDRESS UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Karen Moore (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Order for payment of TWO THOUSAND ONE HUNDRED AND FORTY-EIGHT POUNDS STERLING (£2,148.00) be granted.**

**Background**

1. By application received on 22 February 2020 (“the Application”), the Applicant’s Representative on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for a payment order for unpaid rent amounting to £2,148.00 due and owing by the Respondents to the Applicant in terms of a short assured tenancy agreement between the Parties. The Application comprised a copy of the short assured tenancy agreement between the

Parties, email exchanges between the Parties and a statement of Account showing underpayment of £2,148.00 due and owing to 8 December 2019.

2. On 21 May 2020, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 6 August 2020 at 10.00 by telephone conference call and postponed to 17 September 2020 for intimation on the Respondents. The Application and the postponed CMD were intimated to the Respondents by website service.

### **Case Management Discussion**

1. The CMD took place on 17 September 2020 at 10.00 by telephone. The Applicant did not take part and was represented by the Applicant’s Representative. The Respondents did not take part and were not represented.
2. The Applicant’s Representative confirmed that a payment order was sought.

### **Findings of the Tribunal.**

3. From the Application and the CMD, the Tribunal found the following facts to be established: -
  - i) There was a short assured tenancy agreement between the Parties;
  - ii) In terms of Clause 4 of that short assured tenancy agreement, the Respondents were liable for payment of rent at the rate of £130.00 per week;
  - iii) At the date of 8 December 2019 on which the Respondents vacated the Property, the sum of £2,148.00 due and owing by them to the Applicant and this sum remains due and owing

### **Decision of the Tribunal and Reasons for the Decision.**

4. Having found the sum sought is due and owing , the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussion .....including making a decision” and so proceeded to make an order for payment with interest as requested.

### **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on**

**a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

K Moore

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**Legal Member/Chair**

**17 September 2020**